



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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# MDE

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Deputy Secretary

February 17, 2009

The Honorable Dereck Davis, Chairman  
Members, Economic Matters Committee  
Room 231, House Office Building  
6 Bladen Street  
Annapolis, MD 21401-1912

Re: House Bill 357: Business Occupations and Professions – Plumbers – Lead-Free Materials

Dear Chairman Davis & Committee Members:

Thank you for the opportunity to provide information on House Bill 357 which prohibits the use of certain plumbing materials containing certain amounts of lead. This Bill will add the definition of "Lead Free" to Article – Business Occupations and Professions Section 12-101(h-1). This bill specifies lead content in plumbing and plumbing materials which are equal to Safe Drinking Water Act (SDWA) requirements; however, by also allowing the total lead content to be computed by a weighted average, the bill provides an opportunity for plumbing with lead levels that are less stringent than required by the SDWA. This may jeopardize Maryland Public Water System Supervision Program Primacy and federal funding associated with this program.

Currently, the definition of "Lead Free" is not in the Maryland Annotated Code. The definition of "Lead Free" in pipe, plumbing fixtures, solder and flux is specified in the federal SDWA, which must be enforced by States as a primacy requirement. It is also included in various sections of the National Standard Plumbing Code that is incorporated by reference in Maryland's Plumbing Code. After June 19, 1986, the Safe Drinking Water Act (Public Health and Welfare, Title 42 §300g-6 (a), PHSA §1417) "prohibits the use of any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux in the installation or repair of (i) any public water systems; or (2) any plumbing in a residential or non-residential facility providing water for human consumption, that is not lead free."

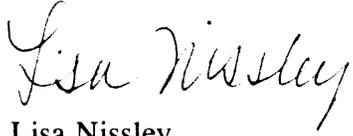
It is our belief that the bill can be amended to achieve the intent of the legislation while protecting Maryland Public Water System Supervision Program Primacy and federal funding associated with this program. You will find our suggested amendments attached. These amendments have been shared with the Department of Labor, Licensing and Regulations' Board of Plumbers and will be reviewed at their next meeting on Thursday, February 19, 2009.



The Honorable Dereck Davis  
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If you have any questions regarding this issue, please do not hesitate to contact me at 410-260-6301 or [lnissley@mde.state.md.us](mailto:lnissley@mde.state.md.us).

Sincerely,



Lisa Nissley  
Legislative Liaison

Cc: Delegate Ben Barnes  
Heather Barthel  
Jay Sakai



BY: The Maryland Department of the Environment

AMENDMENTS TO HOUSE BILL 357  
(First Reading File Bill)

**Article – Business Occupations and Professions**

12-101.

**(H-1) “LEAD-FREE” MEANS:**

**(1) CONTAINING NOT MORE THAN 0.2% LEAD FOR SOLDER AND FLUX;**

AMEND Subsection (2) to eliminate the exception provided under Subsection (3)

**(2) ~~EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,~~ CONTAINING NOT MORE THAN:**

**(I) 4% LEAD BY DRY WEIGHT FOR PLUMBING FITTINGS AND FIXTURES; ~~OR AND~~**

**(II) 8% LEAD BY DRY WEIGHT FOR PIPES AND PIPE FITTINGS; AND**

**(3) CONTAINING NOT MORE THAN A WEIGHTED AVERAGE LEAD CONTENT OF 0.25% FOR THE WETTED SURFACES OF A PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE INTENDED TO DISPENSE WATER FOR HUMAN CONSUMPTION THROUGH DRINKING OR COOKING.**

**(Q) “WEIGHTED AVERAGE LEAD CONTENT” MEANS A CALCULATION DETERMINED BY:**

**(1) IDENTIFYING EACH COMPONENT OF A PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE THAT WATER FLOWS THROUGH AND COMES INTO CONTACT WITH DURING NORMAL OPERATION;**

**(2) IDENTIFYING THE PERCENTAGE LEAD CONTENT OF EACH COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;**

**(3) DETERMINING THE WETTED SURFACE AREA OF EACH COMPONENT OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE;**

**(4) DETERMINING THE PERCENT OF TOTAL WETTED SURFACE AREA OF THE PIPE, PIPE FITTING, PLUMBING FITTING, OR FIXTURE, REPRESENTED IN EACH COMPONENT;**



**(5) CALCULATING THE CONTRIBUTING PERCENT LEAD FOR EACH COMPONENT BY MULTIPLYING THE PERCENTAGE OF LEAD CONTENT OF THE COMPONENT BY THE PERCENT OF TOTAL WETTED SURFACE AREA REPRESENTED BY THE COMPONENT; AND**

**(6) CALCULATING THE SUM OF EACH CONTRIBUTING PERCENT LEAD VALUE DETERMINED FOR EACH COMPONENT UNDER PARAGRAPH (5) OF THIS SUBSECTION.**

